

JP 06-118440 to Tomoike. Paragraph 4 of the Official Action rejects claims 40, 44, 60, 61, 66, 67 and 69 as obvious based on the combination of Wakai and Tomoike. Paragraph 5 of the Official Action rejects claims 47, 51, 55, 59-61 and 66-68 as obvious based on the combination of Wakai, JP 03-013273 to Mori and Tomoike. Paragraph 6 of the Official Action rejects claims 48, 52, 56, 59-61, 66, 67 and 69 as obvious based on the combination of Wakai, Mori and Tomoike. The Applicant respectfully traverses the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. Independent claims 39, 43, 47, 51 and 55 recite a pair of resinous substrates facing each other and each having an uneven surface. Independent claims 40, 44, 48, 52 and 56 recite a pair of flexible substrates facing each other and each having an uneven surface. For the reasons provided below, Wakai,

Mori and Tomoike, either alone or in combination, do not teach or suggest the above-referenced features.

The Official Action concedes that Wakai does not disclose a "resinous substrate having an uneven surface" (pages 3 and 5, Paper No. 20071121) or a "flexible substrate having an uneven surface" (pages 4 and 6, Id.). The Official Action asserts that Tomoike discloses "a pair of resinous substrates 1/12 ... each having an uneven surface" (pages 3 and 5, Id.) or "a pair of flexible ... substrates 1/12 ... each having an uneven surface" (pages 4 and 6-7, Id.). The Applicant respectfully disagrees and traverses the assertions in the Official Action.

Although Tomoike may teach a pair of resinous substrates or a pair of flexible substrates, Tomoike fails to teach that the surface of the substrate is uneven, does not illustrate that the surface of the substrate is uneven, and does not teach or suggest a problem associated with unevenness of a substrate. Therefore, Wakai, Mori and Tomoike, either alone or in combination, do not teach or suggest a pair of resinous or flexible substrates facing each other and each having an uneven surface.

Since Wakai, Mori and Tomoike do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted;



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